

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

**JEFF SWANSON, Derivatively on behalf of
WAVE SYSTEMS CORP.,**

Plaintiff,

v.

**STEVEN SPRAGUE, GERARD T. FEENEY,
JOHN E. BAGALAY, JR., NOLAN BUSHNELL,
GEORGE GILDER and JOHN E.
McCONAUGHY, JR.,**

Defendants,

and

**WAVE SYSTEMS CORP., a Delaware
Corporation,**

Nominal Defendant.

**CIVIL ACTION
NO. 04-30038-KPN**

NOTICE OF APPEARANCE

Pursuant to Local Rule 83.5.2(a), notice is hereby given of the appearance of Robert A. Buhlman and Eunice E. Lee of the law firm of Bingham McCutchen, LLP, 150 Federal Street, Boston, Massachusetts 02110, (617) 951-8000, as counsel for Defendants Steven Sprague, Gerard T. Feeney, John E. Bagalay, Jr., Nolan Bushnell, George Gilder and John E. McConnaughy, Jr., and for Nominal Defendant Wave Systems Corp.

Respectfully Submitted,

/s/ Eunice E. Lee

Robert A. Buhlman, BBO #554393
Eunice E. Lee, BBO #639856
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Dated: March 31, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was electronically served upon the attorney of record for each party on March 31, 2004.

/s/ Eunice E. Lee

Eunice E. Lee